

**MINUTES OF THE SPECIAL MEETING OF THE
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES
LEGISLATIVE OFFICE BUILDING – ROOM 1A
HARTFORD, CT 06106
WEDNESDAY, FEBRUARY 20, 2013
2:00 P.M.**

COMMISSIONERS PRESENT

Andrew Norton, Chairperson
Edward Mambruno, Secretary
Lyn May
Dawn Niles
Edith Pestana
Cheryl Clarke

COMMISSIONERS ABSENT

Tracey Gove
Patricia Wrice

STAFF PRESENT

Robert J. Brothers, Jr., Executive Director
David Teed, Assistant Attorney General
Alvin K. Bingham, Supervisor, Affirmative Action/Contract Compliance
Valerie Kennedy, Human Rights & Opportunity Representative
Neva E. Vigezzi, Affirmative Action Program Analyst
Susan Hom, Human Rights & Opportunity Representative
Cheryl Sharp, Human Rights Attorney 3
James J. O'Neill, Legislative Liaison
Epifanio Carrasquillo, HRO Regional Manager
Heather Petit, Administrative Assistant

I. CHAIRPERSON

Chairperson Norton convened the Wednesday, February 20, 2013, Special Commission Meeting of the Commission on Human Rights and Opportunities to order at 2:05 p.m.

II. SECRETARY

Secretary Mambruno requested a motion for the approval of the minutes of the Wednesday, January 9, 2013, Regular Commission Meeting. A motion was made by Commissioner May to approve the minutes which was seconded by Secretary Mambruno. Commissioner May asked that the minutes be approved provisionally upon an addition of Mr. O'Neill's report. The motion was approved unanimously. Commissioner Niles, Commissioner Pestana and Commissioner Clarke abstained from the vote. Chairperson Norton did not vote on the motion.

Secretary Mambruno requested a motion for the approval of the minutes of the Tuesday, January 15, 2013, Special Commission Meeting. A motion was made by Commissioner Pestana to approve the minutes which was seconded by Commissioner May. The motion was approved unanimously. Commissioner Niles and Commissioner Clarke abstained from the vote. Chairperson Norton did not vote on the motion.

III. **OUTREACH REPORT – Cheryl A. Sharp, Human Rights Attorney 3**

Attorney Sharp distributed a copy of the CHRO Times newsletter. Attorney Sharp noted some highlights from the newsletter including: settlement amounts at over \$7 million dollars, an article on Mr. O'Neill, Legislative Liaison, and the CHRO's 70th Year Celebration.

Attorney Sharp stated that the agency is in the process of organizing a 70th year celebration on the steps of the State Capitol in May. Attorney Sharp reported that she is waiting to hear back from the Governor's Office on what day would be best for the celebration to be held on in the hope that Governor Malloy will be able to give the opening remarks. Attorney Sharp stated that there are already several organizations interested in co-sponsoring the event. Attorney Sharp asked the Commissioners to be involved in the event and forward information regarding the celebration to civil rights groups/individuals that they work with. Attorney Sharp also asked the Commissioners to let her know if they are aware of any organizations that have civil rights literature that can be disseminated at the celebration. Commissioner Clarke asked Attorney Sharp to forward the announcement to her so that she could send it out rather than giving the Commission a list of individual email addresses. Attorney Sharp agreed and stated that she would forward the flyer to them to distribute once it is finalized. Chairperson Norton suggested that the agency also invite former co-workers and Commissioners to the event.

Attorney Sharp stated the CT Kids Court Competition will be kicking off in April beginning with Kids Speak. Attorney Sharp said a notice will go out to all principals in CT in regard to the event. Attorney Sharp said that the competition is usually held at the CT State Armory.

IV. **AFFIRMATIVE ACTION RECOMMENDATIONS – VOTE REQUIRED**

- A. Staff Recommendations: ***Approvals***
 - 1. Department of Children and Families
 - 2. University of Connecticut
 - 3. Office of Higher Education

4. Department of Energy and Environmental Protection

Chairperson Norton asked for a motion to accept staff recommendations for approval of three Affirmative Action Plans: Department of Children and Families, the University of Connecticut and the Office of Higher Education. The motion included the retention of each agency's annual filing status. Such a motion was made by Secretary Mambruno and seconded by Commissioner Pestana. There was discussion on the motion.

1. Department of Children and Families

Representing the agency were Janice Gruendel, Deputy Commissioner, Debra Freund, Director of Equal Opportunity and Diversity, Victor Brathwaite, EEO Specialist 2, Terri-Lynn Johnston, EEO Specialist 2 and Shirley Amos-Cooper, Secretary.

Alvin Bingham reported that the Department of Children and Families' plan was recommended for approval based on compliance with the following: the plan contains all elements required; the agency has met all or substantially all of its hiring and promotion goals; the agency has demonstrated every good faith effort to achieve its goals; and the agency addressed deficiencies noted in the prior plan review.

Secretary Mambruno congratulated the agency on their nursing and job shadowing programs. Chairperson Norton asked the agency if more men were trying to get into the agency than past years as he noticed there are substantially more women than men in almost every job category.

Ms. Freund reported that the numbers are actually getting much better. Ms. Freund stated that the agency has changed its job specification to include more non-traditional candidates. Ms. Freund stated that they do a lot to promote men of color in the social work category.

Commissioner Clarke commended the agency on their statistics and thanked them.

Deputy Commissioner Gruendel thanked the Commissioners for their kind words and thanked Ms. Vigezzi for all the hard work she has done in collaboration with their plan. Deputy Commissioner Gruendel stated that they created a Leadership Institute that brings leadership together on a regular basis to look at racial justice issues in regard to program, policy and practice decisions that the agency makes. Deputy Commissioner Gruendel said that they have produced a health equity report for the first time ever for the children and families that they serve. Deputy Commissioner Gruendel again thanked the Commissioners for their support.

Commissioner Clarke stated that when she adopted her daughter 30 years ago, the follow up care she received from the staff at DCF was favorable in every way.

Deputy Commissioner Gruendel thanked Commissioner Clarke for her kind words.

2. University of Connecticut

Representing the agency were Rachel Rubin, Chief of Staff, Dr. Mun Choi, Provost and Executive Vice President, Elizabeth Conklin, Vice President for Diversity and Equity, Hanna Prytko, Search Compliance Coordinator, Katherine Johansen, Search Compliance Coordinator, Jeffrey Ogbar, Vice Provost for Diversity, and Aliza Wilder, Director of Human Resources.

Mr. Bingham reported that the University of Connecticut's plan was recommended for approval based on compliance with the following: the plan contains all elements required; the agency has demonstrated every good faith effort to achieve its goals; and the agency addressed deficiencies noted in the prior plan review.

Secretary Mambruno congratulated the University on their diversity and internship programs.

Chairperson Norton asked how many campuses the plan represented. In addition, Chairperson Norton asked how the University addressed the issue of minority faculty hires.

Ms. Conklin stated that the plan represents all campuses with the exception of the UConn Health Center. Dr. Choi stated that as part of the President's plan this year, an Office of Diversity was established and is led by Dr. Jeffrey Ogbar. Dr. Choi stated that in trying to hiring faculty members of color, they are finding they need to do their job in producing more PhD students that can go out into the job market. In addition, Dr. Choi stated they are connecting with other universities that have been very successful in this area. Dr. Choi stated that Dr. Ogbar is leading a number of different efforts including the Alliance for Graduate Education for the Professoriate which brings UConn together with like-minded institutions so that they can hire from that consortium of universities, etc.

Chairperson Norton asked if UConn hires many UConn graduates. Dr. Choi stated that UConn, like many other universities, prefers not to hire students right out of the PhD program but rather, allow them opportunities for external experiences so that they can then come back with broad comprehensive capabilities and qualities that make the university even better.

Dr. Choi stated that there are many programs offered by UConn as well, for example the Bridge Program. Dr. Choi stated that with the Bridge Program which is sponsored by the National Science Foundation which provides students two years of funding (\$35,000 stipend) to pursue their PhD and also provides full tuition. Dr. Choi said that in addition, there is the Department of Education's graduate assistance program specifically designated for areas of need. Currently, the university has eight such programs. Dr. Choi stated that as such, UConn has the largest number of graduate fellowships.

Dr. Jeffrey Ogbar stated that another program the Provost's Office initiated is a pre-dissertation in residence fellowship that allows people finishing their dissertations at other institutions to teach for a year at UConn which allows for pipelines into their programs.

Chairperson Norton thanked Dr. Choi, Dr. Ogbar and Ms. Conklin. Ms. Conklin thanked Dr. Kennedy for her ongoing support and assistance and look forward to the ongoing work.

3. Office of Higher Education

Representing the agency were Jane Ciarlegio, Executive Director, Toby Bates, Director of Employee Relations and Leah Glende, Affirmative Action Specialist.

Alvin Bingham reported that the Office of Higher Education's plan was recommended for approval based on compliance with the following: the plan contains all elements required; and the agency is deemed to have met all or substantially all of its hiring and promotion goals as it is their first filing.

Commissioner Niles asked the Office of Higher Education if they are in compliance with diversity training. Ms. Ciarlegio stated that they are in compliance with the diversity training. Ms. Ciarlegio thanked Ms. Glende and Mr. Bates for their help with plan as they are a new iteration of the Department of Higher Education. Ms. Ciarlegio also thanked Dr. Kennedy for her help.

Chairperson Norton then called for a vote on the motion to approve the affirmative action plans for the Department of Children and Families, the University of Connecticut and the Office of Higher Education including the retention of their annual filing statuses. The motion passed unanimously. Chairperson Norton did not vote.

Chairperson Norton asked for a motion to accept staff recommendation for approval of the Department of Energy and Environmental Protection's affirmative action plan. The motion included the retention of each agency's annual filing status. Such a motion was made by Secretary Mambruno and seconded by Commissioner Niles. There was discussion on the motion.

4. Department of Energy and Environmental Protection

Representing the agency were Robert Klee, Chief of Staff, Barbara Viadella, EEO Specialist 2 and Marcia Bonitto, EEO Manager. Mr. Bingham stated that Commissioner Esty sent his apologies for not being able to attend as the Commission Meeting was rescheduled and he had a scheduling conflict.

Alvin Bingham reported that the Department of Energy and Environmental Protection's plan was recommended for approval based on compliance with the following: the plan contains all elements required; and the agency is deemed to have met all or substantially all of its hiring and promotion goals as it is their first filing.

Commissioner Niles asked if the agency was in compliance with the diversity training as the plan does not indicate that they are.

Mr. Klee stated that they are in compliance with the diversity training. Mr. Klee reiterated that Commissioner Esty sends his apologies for not being in attendance but had a scheduling conflict with people coming in from out of state. Mr. Klee thanked his staff for all of their hard work in filing their affirmative action plan and thanked CHRO staff for their help along the way. Mr. Klee stated that this plan represents the first plan of a merged agency. Mr. Klee stated that they have a two-fold mission now; to conserve and protect the natural resources and the environment and to provide cheaper, cleaner and more reliable energy for the citizens of Connecticut.

Mr. Klee stated that the agency is committed to transforming the way the agency does business; becoming faster, more responsive and transparent while maintaining their high standards and core principles. Mr. Klee stated that part of the transformation is automation of some of the charts/tables in the plan to allow that process to be more efficient. Mr. Klee stated they are committed to diversity in their workforce and to providing equal opportunities for employment as a diverse workforce creates a stronger, more dynamic and more inclusive agency that can better represent the people and public that they serve.

Chairperson Norton thanked Mr. Klee and the agency's staff.

Chairperson Norton then called for a vote on the motion to approve the affirmative action plan for the Department of Energy and Environmental Protection and the retention of their annual filing status. The motion passed unanimously. Commissioner Pestana and Commissioner Clarke abstained. Chairperson Norton did not vote.

V. DIVISION REPORTS

A. Legislative Report

Mr. O'Neill stated that the Governor's budget proposal came out which contained a significant change to the agency; transferring nine employees from other agencies to CHRO for the purpose of writing affirmative action plans for all state agencies except educational institutions and MDC. Mr. O'Neill said that when Secretary Barnes presented the budget he indicated it would be one affirmative action plan for the entire state. Mr. O'Neill stated that was an error and the actual proposal is for the transferred employees to write the plans for each agency. Mr. O'Neill stated that since the proposal of one affirmative action plan for the state arose and that it had also been discussed by Chairperson Norton previously, there are individuals looking into whether or not this is a possibility.

Commissioner Clarke stated that this could potentially be a tremendous problem and could mask issues in individual agencies. Chairperson Norton stated that he does not disavow the idea but wants to put on record that it is not something he remembers stating firmly as a belief of what should be done. Commissioner May asked what the rationale is behind the idea of having one affirmative action plan. Mr. O'Neill stated that it is to save money, streamline the process, consistency, etc. There was some discussion.

Chairperson Norton asked Mr. Brothers what his opinion is on the proposal.

B. Executive Director's Report

Mr. Brothers stated that he believes one plan would dilute diversity to the point of making it meaningless. Mr. Brothers stated that some of the questions he has are the same ones the Commissioners raised. For example, one agency could have all white employees and another all minority employees and there would technically be a balanced plan but no diversity in each agency which he believes is ultimately the goal. Mr. Brothers asked who would be responsible if the plan failed; every agency? Mr. Brothers said that having said that, he is willing to sit down and entertain a meaningful discussion about it; however at first glance he has serious concerns whether it would be feasible.

In regard to the Governor's proposal of transferring nine employees to CHRO, Mr. Brothers stated that they have only had preliminary discussions regarding it. Mr. Brothers said that it appears CHRO would be responsible for writing all the affirmative action plans except educational institutions and MDC. Mr. Brothers reported that he was told the main reason for this is consistency. Mr. Brothers asked administration if the goal is to be consistent, why exempt higher education and MDC. Mr. Brothers stated that other concerns he has are that CHRO would be both writing the plans and reviewing the plans and he is unsure whether or not

nine people would be capable of writing all of the plans. In addition, Mr. Brothers stated logistically he does not have nine cubicles available for them move into. Mr. Brothers said that he believes many agency heads would have an issue of being accountable for a plan that they did not write. Mr. Brothers stated discussions regarding the proposal are ongoing. There was some discussion.

Ms. Vigezzi said that some of the concerns she has in the transferring of nine employees to CHRO to write plans is that they are all higher level employees than herself and other affirmative action staff at CHRO who would be reviewing their work. Ms. Vigezzi stated that affirmative action employees in agencies do more than write plans; they also conduct investigations and ADA accommodations.

Chairperson Norton asked Ms. Freund (DCF) if she would like to speak as she is the head of an affirmative action employees' organization for state employees. Ms. Freund stated that one big concern she has is programmaticals as this is where they correct systemic issues and now it may be done by someone who does not have firsthand knowledge of the agency. Ms. Freund stated that the agencies who are slated to lose the positions to CHRO will not be allowed to refill those positions and that leaves the remaining person(s) to conduct all the investigations, gather data, etc.

Dr. Kennedy stated that the importance of having affirmative action staff in the agencies is that they can develop the trust with staff and create working relationships with people involved in searches.

Chairperson Norton thanked everyone for their time. Commissioner Norton asked for a motion to have the Commissioners send a letter to the Appropriations Committee opposing the transfer of nine employees to CHRO for the purpose of writing affirmative action plans for all agencies except educational institutions and the MDC. Such a motion was made by Commissioner May and seconded by Commissioner Pestana. There was some discussion. Chairperson Norton asked that Mr. Brothers draft the letter and then disseminate the draft to the Commissioners for their approval or changes.

Chairperson Norton then called for a vote on the motion to send a letter to the Appropriations Committee opposing the transfer of nine employees to CHRO for the purpose of writing affirmative action plans for all agencies except educational institutions and the MDC. The motion passed unanimously. Chairperson Norton did not vote.

Mr. O'Neill reported that he and Mr. Brothers met with the Appropriations Committee and that Mr. Brothers has built a good working relationship with Senator Harp and Representative Walker. Mr. O'Neill stated that they would be

meeting with the Appropriations Sub-Committee in the near future at which time many of these questions will be addressed.

Mr. O'Neill also reported that he and Mr. Brothers had a pleasant and productive meeting with Representative Juan Candalera, the new Chairman of the Black and Latino Caucus. In addition, Mr. O'Neill reported that he and Mr. Brothers would be meeting with Ms. Vigezzi, Dr. Kennedy and members of the AA Regulations Rewrite Committee on Friday to discuss the proposed AA regulations.

Mr. O'Neill discussed CHRO's role as secretariat for the Martin Luther King Commission.

VI. EXECUTIVE SESSION

Chairperson Norton asked for a motion to go into Executive Session. Chairperson Norton asked that the motion permit Mr. Brothers and David Teed to stay for the session. Such a motion was made by Secretary Mambruno and seconded by Commissioner Pestana. The motion was approved unanimously. Chairperson Norton did not vote.

VII. RETURN TO REGULAR SESSION

At 4:56 p.m. the Commission returned to Regular Session from Executive Session and Chairperson Norton noted that no votes were taken in Executive Session.

VIII. VOTE ON EXECUTIVE SESSION ITEMS

(Requires a Vote by Commissioners on the Record)

Chairperson Norton asked for a motion to approve Mr. Brothers' recommendation that the reopening request for Rose Piche v. Yale University be granted. Such a motion was made by Commissioner Clarke. Commissioner Pestana seconded the motion. The motion was approved unanimously. Chairperson Norton did not vote.

IX. ADJOURNMENT

There being no further business to come before the Commission, it was moved by Commissioner May and seconded by Commissioner Pestana to adjourn the meeting at 5:00 p.m. The motion carried unanimously. Chairperson Norton did not vote.